

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS, M. COLLINS
PLAINTIFF

✓
RICK KEARNEY et al.,
DEFENDANTS

Civil Action 1:05-CV-739SLR

NOTICE OF MOTION

Please Be Advised that the Attached MOTION TO Amend
Complaint Shall Be heard By the Court AT THE
EARLIEST CONVENIENT TIME.

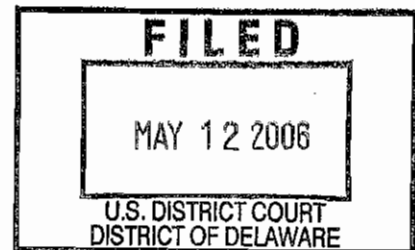
Respectfully Submitted,

Curtis Collins

DATED: 3-29-06 2006

CURTIS, M. COLLINS pro-se
SBI# 314128

DE. CORRECTIONAL CENTER
Bldg 17 D-Lower 2
1181 Piddock Road
SMYRNA DE 19977



RD scanner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS
PLAINTIFF

CIV ACTION # 1:05-CV-00739 SLR

V.
RICK KEARNEY et.al.,
DEFENDANTS

MOTION TO AMEND COMPLAINT
PURSUANT TO

THE PLAINTIFF CURTIS M. COLLINS ABOVE MOVES TO AMEND
HIS COMPLAINT AS OF RIGHT PURSUANT TO
TO INCLUDE THE FOLLOWING:

- (1) JURY TRIAL DEMAND 7TH AMENDMENT USCA.
- (2) JURISDICTION PURSUANT TO 28 USC § 1331
- (3) THE CORRECTION OF THE SPELLING OF DEF. BEREZANSKY
- (4) THE ADDITIONS OF DEFENDANTS C/o MILLIGAN
C/o DAISEY, C/o IRVIN JOHNSON
JOHN DOE 1, JOHN DOE 2.
- (5) TO INVOKE THE CONSTITUTIONAL VIOLATIONS OF SAID
DEFENDANTS OF PLAINTIFFS RIGHTS PURSUANT TO (4TH)
(8TH) AND (14TH) AMENDMENTS USCA.
- (6) TO INCLUDE IN DEMAND FOR RELIEF UNCONDITIONAL RELEASE
FROM CUSTODY OF THE DELAWARE DEPT OF JUSTICE.
A COURT (ORDER) DIRECTING ALL NAMED DEFENDANTS
TO HAVE NO FURTHER CONTACT WITH PLAINTIFF WHILE
IN THE CUSTODY OF DELAWARE DEPARTMENT OF CORRECTIONS.
CRIMINAL LIABILITY OF EACH DEFENDANT PURSUANT TO
18 USC § 242. LOSS OF THEIR JOBS AND INCARCERATION.
MONETARY COMPENSATION \$500,000.00 TOTAL, AND \$1,000,000.00 PUNITIVE.
DAMAGES.

UPON A JURY VERDICT IN FAVOR OF PLAINTIFF AUTOMATIC
DEDUCTION OF MONEY FROM DEFENDANTS ACCOUNTS INTO
PLAINTIFFS ACCOUNT SO PLAINTIFF HAS NO TROUBLE
COLLECTING HIS AWARD. AS IS ENFORCED ON DEAD BEAT
DADS IN CHILD SUPPORT CASES.

THE PLAINTIFF HAS ALSO ENCLOSED THE AMENDED
COMPLAINT AS DESCRIBED AND ASK THE COURT
TO DISCLOSE THE FULL NAMES OF DEFENDANTS
C/O MILLIGAN, C/O DAISEY, JOHN DOE, AND
JOHN DOE 2.

THE PLAINTIFF REQUEST THE COURT MOVE ON THIS
MOTION EXPEDITIOUSLY!

DATED: 3-29-06

cc. File Shuparalegal
AG
COURT
Legal
Refused to Sign and
Notarize this document. I swear
this document to be true
under penalty of perjury.
CC

Respectfully Submitted,
Curtis Collins

CURTIS M. COLLINS pro-se
SAITH 314128

DE. CORRECTIONAL CENTER
Bldg 17 D- lower 2
1181 Paddock Road
SMYRNA DE 19977

This was Sworn Before me
this A day of 19 2006.

NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS, M. COLLINS
PLAINTIFF

CIV. ACT # 1:05-CV-00739 SLR

V.
WARDEN RICK KEARNEY,
SGT. JAMES CHANDLER,
C/O BRADLEY BEREZANSKY
C/O MILLIGAN
C/O DAISEY
C/O IRVIN JOHNSON
JOHN DOE 1 AND 2,
SUED IN THEIR OFFICIAL AND
INDIVIDUAL CAPACITIES.

"JURY TRIAL DEMAND"
PURSUANT TO THE
(7TH AMENDMENT USCA)

DEFENDANTS Civil Complaint 42 USC § 1983
CRIMINAL COMPLAINT 18 USC § 242

THIS IS A CIVIL RIGHTS COMPLAINT FILED BY THE PLAINTIFF CURTIS, M. COLLINS PURSUANT TO THE CIVIL RIGHTS STATUTE OF 1871 (IE) 42 USC § 1983, IT ALLEGES EXCESSIVE USE OF FORCE, ASSAULT AND BATTERY, AND VERBAL ABUSE VIOLATING MY CONSTITUTIONALLY PROTECTED RIGHTS IN ACCORDANCE WITH THE (8TH AMENDMENT) OF THE USCA, BY BEING PHYSICALLY BEATEN BY MEMBERS OF THE DELAWARE DEPARTMENT OF CORRECTIONS OFFICERS, THEIR ACTIONS ALSO VIOLATED MY CONSTITUTIONALLY PROTECTED RIGHTS OF EQUAL PROTECTION IN ACCORDANCE WITH THE (14TH AMENDMENT) OF THE USCA, AND MY RIGHTS AGAINST UNREASONABLE SEIZURES VIOLATING MY CONSTITUTIONALLY PROTECTED RIGHTS IN ACCORDANCE WITH THE (4TH AMENDMENT) OF THE USCA, ALSO REFUSAL OF MEDICAL TREATMENT VIOLATING MY CONSTITUTIONALLY PROTECTED RIGHTS IN ACCORDANCE WITH THE (8TH AMENDMENT) OF THE USCA, AND THE (14TH AMENDMENT) OF THE USCA RIGHT TO EQUAL TREATMENT/PROTECTION, AND THE TORTS OF MEDICAL MALPRACTICE.

JURISDICTION

THIS COURT HAS FEDERAL QUESTION JURISDICTION
TO HEAR PLAINTIFFS CLAIMS PURSUANT TO 28 USC § 1331.

PREVIOUS LAWSUITS : THE PLAINTIFF CURTIS M. COLLINS
HAS HAD **NO** PREVIOUS LAWSUITS DISMISSED AS
FRIVOLOUS IN ANY COURT OF THE UNITED STATES
OF AMERICA.

EXHAUSTION PURSUANT TO PLRA : THE PLAINTIFF CURTIS M. COLLINS

HAS SATISFIED THE REQUIREMENTS OF THE PLRA ACT, BY
(1) FILING A COMPLAINT WITHIN THE SUSSEX CORRECTIONAL
INSTITUTIONS GRIEVANCE OFFICE ON 8-6-2005 THE
DATE OF THE COMPLAINED ABOUT ACTION OCCURRED.

[SEE EXHIBIT-A]. HE WAS TOLD IDP 4.4 HAS NO MECHANISM FOR RELIEF,
APPEAL THAT DECISIONS

(2) THE PLAINTIFF CURTIS M. COLLINS WROTE A LETTER
TO THE DEPUTY WARDENS OFFICE DATED 10-7-2005, NO
REPLY WAS GIVEN TO HIM.

(3) THE PLAINTIFF CURTIS M. COLLINS WROTE A LETTER TO
GOVERNOR RUTH ANN MINNER ABOUT THIS MATTER, DATED
10-9-2005

(4) THE PLAINTIFF CURTIS M. COLLINS WROTE A LETTER TO
THE SUSSEX CORRECTIONAL CENTERS INTERNAL AFFAIRS
OFFICE DATED 10-9-2005

(5) THE PLAINTIFF CURTIS M. COLLINS WROTE A LETTER TO
THE DEPARTMENT OF JUSTICE DATED 10-9-2005

(6) THE PLAINTIFF CURTIS M. COLLINS APPEALED HIS REGULAR GRIEVANCES
* HE NEVER GOT AN ANSWER!

STATEMENT OF CLAIM

ON 8-6-2005 PLAINTIFF CURTIS, M. COLLINS ENTERED THE MAIN CHOW HALL AT BREAKFAST TIME WHILE AT THE SUSSEX CORRECTIONAL CENTER LOCATED IN GEORGETOWN, DE. HE ASKED OTHER INMATES ALREADY SEATED AT THE TABLE TO SLIDE DOWN SO HE COULD SIT DOWN TO EAT. AT WHICH TIME (C/O BEREZANSKY) TOLD CURTIS TO "SHUT THE F--- UP" AND "THROW YOUR F---ING FOOD TRAY AWAY"! CURTIS ASKED HIM WHY HE HAD TO THROW AWAY HIS FOOD TRAY. HE WAS TOLD THERE'S NO TALKING IN THE CHOW HALL. CURTIS WAS NOT "TALKING" IN THE CHOW HALL. HE SIMPLY ASKED ANOTHER INMATE TO SLIDE DOWN SO HE COULD SIT DOWN TO EAT. CURTIS THEN WENT TO (SGT. CHANDLER) WHO WAS IN THE CHOW HALL TO ASK WHY HE COULDN'T FINISH HIS MEAL. SGT CHANDLER DID NOT RESPOND, AS CURTIS WAS LEAVING THE CHOW HALL, (C/O BEREZANSKY) SAID SOME THING SNEAK TO CURTIS. AS CURTIS TURNED AROUND TO HEAR WHAT HE SAID, (C/O BEREZANSKY) CAME RUNNING AT CURTIS AND PUNCHED HIM IN HIS FACE, C/Os (MILLIGAN) (DAISEY) AND (IRVIN JOHNSON) ALSO GOT INVOLVED AND PUSHED CURTIS OUT OF THE CHOW HALL AND SLAMMED CURTIS TO THE WALL AND COFFED CURTIS BEHIND HIS BACK AND SLAMMED CURTIS TO THE GROUND USING BRUTE FORCE. THEN THEY SPRAYED 2 CANS OF PEPPER SPRAY IN CURTIS FACE, AND PROCEEDED TO PUNCH AND KICK CURTIS WHILE HE WAS COFFED AND IN NO WAY A "THREAT" TO ANY OF THE OFFICERS SAFETY OR WELL BEING. CURTIS WAS TAKEN TO ASDA HOLDING CELL AND HE COMPLAINED OF PAIN IN HIS RIBS, AT WHICH TIME A NURSE (JOHN DOE) CAME TO SEE CURTIS. SHE DID NO EXAMINATION AND TOLD CURTIS TO "STOP CRYING LIKE A LITTLE BITCH!" THEY THEN PLACED CURTIS IN CELL ASDA #1 AND CURTIS WENT (47) DAYS WITHOUT RECEIVING MEDICAL ATTENTION. AT WHICH TIME X-RAYS WERE TAKEN OF CURTIS RIBS WHICH INDICATED

his Ribs were fractured, He Requested A Copy of The X-Rays and was told He could not have them by (Doctor John Doe)

DEMAND FOR RELIEF

- (1) The Plaintiff Curtis M. Collins Seeks Against (All) Named Defendants A Trial By Jury At USDC DE. 844 N. King Street Wilmington DE 19801.
- (2) Monetary Compensation in the Amount of \$500,000.00 For the injuries inflicted on him by the for named Defendants.
- (3) UNCONDITIONAL Release From the Custody and Control of the Delaware Department of Corrections to Society.
- (4) An (ORDER) From this Court to (All) Defendants to Stay Away From and Have No Contact with Plaintiff Collins while He (is) in the Custody and Controlled of the Delaware Department of Corrections.
- (5) That Each Named Defendant Also Be Found Criminally Liable For Violating Plaintiffs Rights Pursuant to 42 USC § 1983 As is Authorized By 18 USC § 242 And That They Be Sentenced Accordingly to the Time Authorized For their Criminal Conduct. Specifically loss of their jobs working for the Delaware Department of Corrections and incarcerated in Prison.

- (6) PLAINTIFF ALSO REQUEST THIS COURT TO SET THIS CASE FOR TRIAL BY GIVING ALL PARTIES NOTICE OF A TRIAL DATE SCHEDULED ON THE "EARLIEST" OPEN DATE ON THE COURT'S CALENDER.
- (7) THAT UPON A JURY VERDICT IN FAVOR OF PLAINTIFF, ANY MONETARY AWARD LODGED AGAINST THE DEFENDANTS BE AUTOMATICALLY DEDUCTED ELECTRONICALLY FROM THEIR PERSONAL ACCOUNTS AND TRANSFERRED INTO THE ACCOUNT OF PLAINTIFF, SO THAT THE PLAINTIFF DOES NOT HAVE ANY PROBLEM COLLECTING HIS SETTLEMENT!

Respectfully Submitted,

DATED: 3-29-06 2006

Curtis M. Collins
CURTIS. M. COLLINS (pro-se)

SE# 314128

DELAWARE CORRECTIONAL CENTER

Bldg 17 D-LOWER 2

1181 PADDOCK ROAD

SMYRNA DE 19977

cc. File
COURT
A.G.
Legal.

*The paralegal Brian Engstrom
Refused to Sign and Notarize this
document. I swear this
document to be TRUE under
penalty of Perjury!*

C.C.

THIS WAS SWORN BEFORE ME
THIS _____ DAY OF _____ 2006.

NOTARY PUBLIC.

CERTIFICATE OF SERVICE

I CURTIS. M. COLLINS hereby certify that I
 CAUSED A TRUE AND CORRECT COPY OF THE ATTACHED
~~Amend Complaint, Motion to Amend, Notice of Voluntary~~ ^{Motion to Amend} to be served on the
 Following individuals by placing same in the United
 States Mail by giving said mailing to C/O _____
 _____ who is employed at the
 DELAWARE CORRECTIONAL CENTER WHERE I AM CURRENTLY
 DETAINED ON THIS DAY FRIDAY APRIL 7th 2006.

(1) ERIKA. Y. TROSS ESQ.
 (ID# 4506)
 Deputy Attorney General
 Dept. of Justice
 CARVEL STATE OFFICE Building
 820 N French Street
 6th Floor
 Wilmington, DE. 19801
 Ph# (302) 577-8400

(2) PETER. T. DAILEO (CLERK)
 UNITED STATES DISTRICT COURT
 DELAWARE
 LOCK BOX 18
 844, N. KING. STREET
 WILMINGTON, DE. 19801

(3) CARLS DANSBERG
 Attorney General (Delaware)
 Dept of Justice
 CARVEL STATE Building
 820 N. French Street
 6th Floor
 Wilmington, DE. 19801

Curtis Collins
 CURTIS. M. COLLINS pro-se
 SBI# 314128
 DELAWARE CORRECTIONAL CENTER
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 1181 Paddock Road
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS
Plaintiff
V.
WARDEN RICK KEARNEY, et al.,

CIV. ACTION # 1:05-CV-00739SLR

"JURY TRIAL DEMAND"
(7TH AMENDMENT USCA)

NOTICE OF WITNESSES

COMES NOW THE PLAINTIFF IN THE ABOVE ACTION, CURTIS M. COLLINS, WHO MOVES THIS COURT TO INFORM HIS INTENT TO CALL "EYEWITNESSES" IN HIS BEHALF AT THE TRIAL. THESE WITNESSES WERE ALL PRESENT WHEN THE COMPLAINED OF INCIDENT OCCURED, AND PLAINTIFF IS IN THE PROCESS OF SECURING THEIR STATEMENTS AND TESTIMONY AT TRIAL.

DATE: 3-29-06

Respectfully Submitted,

Curtis Collins

CURTIS M. COLLINS pro-se

JAT# 314128

DELAWARE CORRECTIONAL CENTER

Bldg 17 D-Lower 2

1181 Paddock Road

SMYRNA, DE 19977

cc. File
AG.
COURT
LEGAL

Shu Paralegal
Brian Engle
Refused to
Notarize, Delaware
under penalty of
perjury Document CC

THIS WAS SWORN BEFORE ME THIS
____ DAY OF _____ 2006.

NOTARY PUBLIC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS
PLAINTIFF

v

RICK KEARNEY, et al.,
DEFENDANTS

Civil Action 1:05-CV-739SLR

NOTICE OF MOTION

Please TAKE NOTICE THAT THE ATTACHED MOTION TO DENY RELIEF
SHALL BE HEARD BY THE COURT AT THE EARLIEST
CONVENIENT TIME.

DATED: 3-29-06 2006

Respectfully Submitted,

Curtis Collins

CURTIS M. COLLINS pro-se

5624 314128

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS
✓ PLAINTIFF
RICK KEARNEY et al.,
DEFENDANTS

Civil Action: 1:05-CV-739SLR

ACKNOWLEDGEMENT OF ENTRY
AND MOTION TO DENY
ANY INTENDED RELIEF.

THE PLAINTIFF RECEIVED A FILING DATED MARCH 16, 2006
FOR THE ENTRY OF ERICA Y. TROSS (#4506) AS ATTORNEY
FOR THE DEFENDANTS.

THE PLAINTIFF HAS CORRECTED ANY SPELLING ERROR OF DEFENDANT
BRENDLEY BEREZANSKY NAME IN HIS AMENDED COMPLAINT FILED
WITH THE COURT, AND FURTHER ASSERTS TO THE COURT
THAT IF HE WAS SUPPLIED PROPER DISCOVERY AS IS
REQUIRED PURSUANT TO FED. R. CIV. P.

HE WOULD OF HAD THE CORRECT SPELLING, WHICH IS
MANDATORY REQUIRED OF DEFENDANTS TO PRODUCE,
AND THAT ANY NOTICE IMPLIED BY MS TROSS TO DISMISS
THIS CIVIL ACTION DUE TO A DEMINIMUS SPELLING ERROR
BE SO RIGHTFULLY DENIED BY THE COURT.

DATE: 3-29-06

Shu paralegal Brian Engstrom 2006.
cc. file refused to Notarize and Sign this
AG Document. I swear this Document
COURT TO BE TRUE UNDER PENALTY OF
LEGAL PERJURY. CC

THIS WAS SWORN BEFORE ME
THIS ____ day of ____ 2006.

NOTARY PUBLIC

Respect Fully Submitted,
Curtis Collins

CURTIS M. COLLINS
SGT # 314128 PRO-SE
DE. CORRECTIONAL CENTER
Bldg 17 D-LOWER 2
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SMYRNA DE 19977

42

IM Curtis Collins

SBI# 314128 UNIT 21-C-U-3-

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



INDIGER



O TO: CLERK "PETER" DALLER

UNITED STATES DISTRICT COURT

DELAWARE; LOCK BOX 18

844 N. KING STREET

WILMINGTON, DELAWARE



19 8 01

LEGAL MAIL

LEGAL MAIL

LEGAL MAIL